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Economic and Social Council

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Committee on Economic, Social and Cultural Rights

List of issues in relation to the fourth periodic report of Iraq*

I. General information

1. Please clarify the status of the International Covenant on Economic, Social and Cultural Rights within the domestic legal system and whether its provisions can be directly invoked before and applied by courts. Please also provide examples, if any, of cases in which the provisions of the Covenant have been invoked before and applied by the courts.

2. Please update the Committee on the expected time frame for conducting a comprehensive population census in the State party.

3. Please indicate to what extent the High Commission for Human Rights in Iraq is compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) and inform the Committee on the progress achieved in obtaining accreditation from the International Coordinating Committee of National Institutions for the Promotion and the Protection of Human Rights. Please also provide information regarding the activities undertaken by the Commission in the field of economic, social and cultural rights.

4. Please inform the Committee as to whether the State party is considering ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

II. Issues relating to general provisions of the Covenant (arts. 1–5)

Article 2 (1) – Maximum available resources

5. Please provide up-to-date data for the period 2009–2014 on the levels of public spending as a percentage of gross domestic product in the various sectors related to economic, social and cultural rights.

* Adopted by the pre-sessional working group at its fifty-fifth session (9–13 March 2015).

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Article 2 – Non-discrimination

6. Please indicate whether steps have been taken to adopt comprehensive anti-discrimination legislation that contains all prohibited grounds of discrimination in line with article 2, paragraph 2, of the Covenant. Please also outline the main aspects of the draft law on the protection of religious and ethnic minority group rights and update the Committee on its current status.

7. Please provide information on the measures taken to prevent and combat discrimination against ethnic and religious minorities. Please indicate how many incidents of violence or hatred against persons belonging to ethnic and religious minorities have been reported and investigated since 2009 and what the outcome of those reports was.

8. Please update the Committee on the measures taken, including under article 140 of the Constitution, to address past human rights violations committed against minorities, particularly the forced displacement of Kurds, Turkmen and Shia Muslims.

9. Please provide information on the measures taken to facilitate the return of, and restitute the property belonging to, religious and ethnic minority groups, including the Yezidis, Chaldeans, Assyrians, Shabak and Turkomen, who were forcibly displaced by the so-called Islamic State in Iraq and the Levant over the course of the on-going conflict. Please also provide information on the measures taken to prevent, investigate and prosecute targeted violent attacks reportedly committed by the so-called Islamic State in Iraq and the Levant against ethnic and religious minorities.

Article 3 – Equal rights of men and women

10. Please update the Committee on the progress, if any, achieved in carrying out a legal review of the existing domestic legislation, with a view to eliminating any discriminatory provisions against women, including on personal status matters, in line with paragraph 30 of the previous recommendation of the Committee.

11. Please elaborate on the measures adopted and their impact to reduce occupational segregation by sex, and to increase women's representation, including those from ethnic minorities, in decision-making positions, and indicate whether any temporary special measures have been taken to that end.

III. Issues relating to the specific provisions of the Covenant (arts. 6–15)

Article 6 – The right to work

12. Please update the Committee on the levels of unemployment and underemployment since 2008, disaggregated by sex, ethnicity and rural/urban areas as much as possible. Please also explain the impact that the employment policy has had on reducing unemployment, especially among the most disadvantaged and marginalized groups and individuals in the State party, particularly the Black Iraqis and the Roma.

Article 7 – The right to just and favourable conditions of work

13. Please provide information on the levels of minimum wage in recent years in the State party, and indicate whether that rate is regularly reviewed. Please also explain if the current minimum wage rate allows for a decent living for workers and their families.

14. Further to paragraph 31 of the previous recommendation of the Committee, please clarify if Law No. 104 (1981) and the Penal Code have been amended with a view to prohibiting forced labour in prisons, and clarify if forced labour in prisons is permissible under certain circumstances.

Article 8 – Trade union rights

15. Please provide information on the status of the draft labour law, including the time frame for its adoption. Please indicate if the draft labour law has removed all restrictions on the right to join or form trade unions and the right to strike, introduced by the Trade Union Regulatory Act (1987), which were previously declared by the Committee as incompliant with article 8 of the Covenant.

Article 9 – The right to social security

16. Please outline the main aspects of the new draft pensions and social security act and update the Committee on its current status. Please provide information on the progress achieved in reforming the social security system in the State party. Please also inform the Committee as to whether the planned reforms enable the State party to meet its obligations under the Covenant.

Article 10 – Protection of the family, mothers and children

17. Further to paragraph 19 of its previous recommendation, please update the Committee on the impact of the steps taken, if any, to address child labour in the State party. Please also indicate if steps have been taken or envisaged to regulate the employment of children in family enterprise.

18. Please provide information on the extent of child recruitment or the use of children in armed conflict in the State party by armed groups. Please also indicate the concrete steps taken to prevent, detect and investigate the incidence of the recruitment or use of children in armed conflict by armed groups.

Article 11 – The right to an adequate standard of living

19. Please provide data, on a yearly basis since 2009, on the prevalence of poverty in the State party. Please elaborate upon the steps taken to address extreme poverty, especially in rural areas and among children, the poverty reduction strategy, and provide information on the results achieved.

20. Please elaborate on effective steps taken to protect internally displaced persons and ensure that they enjoy access to basic services, including, food, clean water, health care and housing.

21. Please explain if the housing policy has been adopted and, if so, elaborate on its impact on addressing housing inadequacy and shortage. Please provide information on the

measures taken to address the shortage of housing units, in particular in rural areas, and indicate the impact thereof. Please also update the Committee on the number of homeless persons in the State party and on the measures taken to accommodate their right to housing.

22. Please update the Committee on the measures adopted to improve access to safe drinking water and to adequate sanitation services in the State party, and provide up-to-date data on such access in all provinces.

Article 12 – The right to physical and mental health

23. Please provide information on the percentage of the population, disaggregated by economic sector and geographic location, that benefit from health-care coverage. In doing so, please indicate the impact of the measures taken to facilitate access to health-care services in rural and remote areas, as well as in the Ninewah district. Please also provide information on the number of qualified health-care professionals per capita and by region.

Articles 13 and 14 – The right to education

24. Please indicate the measures taken to prevent and investigate attacks on schools, school students and teachers and other educational personnel. Please provide information on the steps taken to restore access to education, which has been seriously hampered by such violent attacks and by the ongoing armed conflict in the State party.

25. Please update the Committee on the measures taken and their impact to reach gender parity in school enrolment and completion at all school levels. In doing so, please provide statistical date on school enrolment and drop-out rates at compulsory school levels since 2009, disaggregated by sex, urban/rural areas and ethnicity.

26. Please update the Committee on the impact of the steps taken, including under the National Strategy to Eradicate Illiteracy in Iraq (2011–2015) and the law on Combatting Illiteracy , to reduce the number of illiterate persons in the State party. Please provide up-to-date statistical data on the number of illiterate persons, disaggregated by sex, age group and ethnicity.

27. Please provide information on access to education by children with disabilities and the availability of inclusive education across all provinces and in rural areas. Please also update the Committee on the results of the reappraisal undertaken by the Ministries of Labour and Education (see para. 139 of the State party's report) as well as its impact thus far on improving access to inclusive education by children with disabilities.

Article 15 – Cultural rights

28. Please provide information on the measures taken to preserve minority and indigenous languages in the State party, including in the Kurdistan region of Iraq. Please also explain to what extent children belonging to minority groups are educated at schools in their mother tongue.

29. Please describe the measures taken to safeguard the State party's cultural heritage and to prevent and combat the looting of cultural objects by armed groups. Please also indicate the steps taken to repair damaged cites with cultural heritage significance, and inform the Committee on the measures taken to seek international assistance to that end.